



INDIAN WELLS CITY COUNCIL

March 2, 2023

To: City Council
From: City Manager Department
Prepared by: Chris Freeland, City Manager
Subject: **Approval of Passive Park Conceptual Design and Authorization to Develop Park Project at Corner of Eldorado and Fairway Drive**

RECOMMENDED ACTION:

Council **FINDS** that the proposed action is categorically exempt from review under the California Environmental Quality Act ("CEQA"), in accordance with CEQA Guidelines section 15304 (minor public or private alterations in the condition of land), and, in the alternative, that it is categorically exempt from CEQA under CEQA Guidelines section 15303 (new construction of small structures), and, further, determines that none of the exceptions in CEQA Guidelines section 15300.2 apply here because the proposed action does not include a sensitive mapped area, a scenic highway, a hazardous waste site, or a historic resource, and the development of a passive park does not present any unusual circumstances; and

APPROVES the passive park design and installation at the corner of Eldorado and Fairway Drive; and

AUTHORIZES Desert Recreation District to finalize the design, bid, and construct the passive park with oversight by the City; and

DIRECTS staff on a process to name the park and appropriate monument signage to be brought back for City Council discussion and approval.

BACKGROUND:

The development of new park spaces in Indian Wells has been a topic of discussion by residents and Council members over the last several years. At the February 2, 2017, City Council Strategic Planning Session the City Council examined the possibility of acquiring the land between the Miramonte Hotel and Indian Wells Resort Hotel for the development of park space. Unfortunately, owners of the property were not interested in selling the property. At the February 3, 2021, City Council Strategic Planning Session the City Council

directed staff to identify opportunities for the development of park sites in the community.¹

After some due diligence, the City identified two contiguous vacant residential lots (0.59-acres) at the northwest corner of Eldorado and Fairway (Attachment 1). The City acquired the property for \$1,070,000. The City considered it to be a good strategic move to purchase these lots in light of new housing legislation, including Senate Bill 9 (SB 9), which allows urban lot splits and construction of up to eight dwelling units over the two lots by-right, without Council or PC approval or public hearings. Considering the highly visible location of the site at this prominent intersection, the City's purchase will preserve the quality of the neighborhood and ultimately allow public input on what will be developed at the site. The City's goal has been to engage the community in developing a first-class park site at the property for its residents with amenities to provide a safe and pleasant experience.

On November 10, 2021, the City Council unanimously approved a partnership with Desert Recreation District ("DRD") for the development, operation, and maintenance of a community park at the subject property. The partnership with DRD includes a shared cost of 50 percent for the park's acquisition, design, and development, up to \$2 million. In addition, DRD will be responsible for the ongoing maintenance of the new park.

Cooperative Park and Recreation Agreement Summary:

- City and DRD agree to share 50 percent of all costs associated with the park's acquisition, design, and development up to \$2 million.
- Any cost over \$2 million will be the City's responsibility and paid for through the City's dedicated park fees (Quimby Fees and grant funds).
- Following park completion, DRD will provide all ongoing maintenance and any capital improvement up to \$5,000 per improvement. City will be responsible for any capital improvement costs over \$5,000.
- Park will be operated and maintained by the DRD in accordance with City's regulations (e.g., hours of operation, permitted uses, etc.). This includes ongoing cost of utilities.
- Insurance language to be provided by DRD and City's insurance provider (California Joint Powers Insurance Authority).
- City to retain ownership of the land.

¹ Staff reports, PowerPoints, and minutes of the 2017 and 2021 Strategic Planning Sessions, City Council and Planning Commission meetings are available on the City's website. <https://www.cityofindianwells.org/city-hall/departments/city-clerk>

- DRD to select a park-design consultant to conduct community-engagement meetings on park amenities, operating guidelines, and hours of operations, maintenance standards, parking, and much more.
- City may construct the park or may, at its discretion, elect to have DRD construct the park. DRD will construct the park if City so chooses.
- Term of the agreement is for 20 years, which automatically renews for an additional year, in perpetuity, unless either party gives a one-year notice to terminate.

After the initial 20 years, all improvements become the property of the City. If the City repurposes or sells the property prior to the initial 20 years, City is to reimburse DRD for its initial investment. A copy of the agreement is attached (Attachment 2).

Community Outreach

DRD hosted four community meetings at the Indian Wells Golf Resort to solicit community and stakeholder input on the proposed park development. These meetings provided the first of several opportunities for members of the public to express support or concern for the project and provide valued input on which amenities should or should not be included at the park. These meetings were held on:

- Monday, February 28, 2022
- Tuesday, March 1, 2022
- Wednesday, March 2, 2022 (zoom meeting)
- Tuesday, May 3, 2022

Based on the community's feedback, DRD developed three conceptual layouts (Attachment 3) for a passive-park design on the subject property. These design concepts were used as a platform to further refine and develop a final park design endorsed by a majority of the affected community and stakeholders.

- Concept #1: This concept includes formal landscaping, sculptures, benches, pavers at the entry, a decomposed-granite pathway, trash bins, gardens (such as a butterfly and a fragrance garden), and an Indian Wells-themed fountain.
- Concept #2: This concept includes formal plantings, desert lush plantings, a concrete walkway, benches, trash bins, golf-cart parking and bike rack, an Indian Wells-themed water feature, and pavers at the entry and around the water feature.
- Concept #3: This concept includes desert lush and accent plantings, accent rocks, a lawn, decomposed-granite walking path, benches, pavers at the park entrances, trash bins, and golf-cart parking and bike rack.

In addition to the DRD meetings, the Planning Commission held a Study Session on November 7, 2022. The meeting was scheduled to seek additional resident and stakeholder input on the three designs and what amenities should be included with the proposed park. Most of the comments suggested that the park be landscaped only, without benches or parking, security lighting, hedges along the wall to deter people from jumping into backyards, with no tall trees or shrubs that block the views of the mountains or shade solar panels, and with safe pedestrian access. A potential partnership with the Indian Wells Historical Preservation Foundation on a park name and a small monument celebrating architect William Cody was also discussed. Based on community input, Concept #3 had the most support from residents and stakeholders.

To continue the momentum of the project and receive additional community input, staff brought the item to City Council's Strategic Planning Session on February 1, 2023. There was additional feedback received by the community, which reaffirmed moving forward with slight modifications to Design Concept #3 to include reorientation of some of the open-space elements and landscaped areas to improve the street appeal and provide buffers to adjacent homes. Ultimately, City Council directed staff to work with the DRD to incorporate the resident comments into a fourth Design Concept (Attachments 4 and 5) and hold another community meeting to provide the public with a final opportunity to review and provide input before the final concept goes before City Council.

Planning Commission Design Review

On February 23, 2023, DRD presented Concept #4 to the Planning Commission to obtain further community input on the proposed design. After several community members provide comments and concerns on the proposed design, the Planning Commission unanimously approved (5-0) to forward Concept #4 with the following recommended changes.

- Remove mid-block access to the park from Fairway and Eldorado Drive.
- Tree species along north wall of the park to be low profile trees that will not block resident view corridors or solar-energy systems.²
- Additional traffic signage on both Fairway and Eldorado to improve public safety around the park.
- Request the Council determine if a drinking fountain is necessary or not for the overall park design.

Public Safety Initiatives

Discussions at the community meetings included concerns over illegal loitering and camping at the park and increased traffic and speeding along Fairway and Eldorado. At the February 1, 2023, Public Safety Committee, Riverside County Sheriff Lt. David Wright

² City's Public Works staff will approve the final plant and tree palette for the park.

addressed loitering and camping in the community and felt confident that the passive park would not be attractive for these activities. In addition, staff provided a briefing on other public-safety initiatives being discussed along Eldorado and Fairway.

The City Council has approved moving forward with community meetings and design for complete streets to improve safety for pedestrians, bicyclists, golf carts, and vehicles. Another advantage of complete streets is incorporating design features to help reduce speeds along the streets. The City recently received a federal grant to do a citywide study to help offset these costs.

The park location also benefits from being located at a controlled intersection allowing for safer pedestrian access than a park located mid-block of a street. Adding the park to this corner may also provide an opportunity to reduce speed limits along both Eldorado and Fairway. Additional signage will be added on both streets to educate drivers of the park and pedestrians.

California law dictates how speed limits are established in communities based upon speed studies along the streets. With the addition of a park and future complete streets improvements, speeds may decline on their own, or the City may qualify for an exemption under state law (AB43) to allow the City to reduce speed limits by 5 MPH along Eldorado and Fairway due to higher pedestrian and bicycle use in an area.

Compliance with the City's General Plan and Zoning

The City's General Plan and Municipal Code encourage the City to provide additional public park areas to meet future needs. General Plan Policy IIIA2.3 encourages the City to consider linkages of open space and recreational areas adjacent to developments where appropriate. The development of the proposed passive park immediately adjacent to the surrounding residential development would serve to implement this General Plan Policy by linking the existing residential development with open space and passive recreational opportunities. Park use is allowable in a residentially zoned area. No zoning change is required.

DISCUSSION:

City Council previously instructed City staff and DRD to conduct community meetings to seek resident input on the design of the passive park at the corner of Eldorado and Fairway. With the completion of the community design efforts, staff is seeking Council's direction on the passive park project. Staff is seeking Council's approval to accept Concept #4 as presented, with any additions or removal of design elements discussed during the City Council meeting or provide alternative direction.

During the City Council's February 1, 2023, Strategic Planning Session, Council received a briefing on a possible partnership with the Indian Wells Preservation Foundation to

possibly name the park after a prominent local architect (e.g., William F. Cody) or other historically significant individuals, and to include a dedication plaque(s) to recognize their achievements. In addition, Staff and DRD have included comments received at the February 23, 2023, Planning Commission Meeting to be incorporated into Concept #5 (Attachment 6) for Council discussion and direction.

OPTIONS:

The City Council has the following options available:

1. Accept design Concept #4, with or without any additional design comments, and authorize the City staff to move forward with the design and construction of the passive park at the corner of Eldorado and Fairway, not to exceed the City's shared cost of \$1 million; or
 - a. Staff will bring back certain design elements for approval at a later date: selection of park name, park monument sign, and historical display monuments.
2. Determine not to move forward with the passive park project and instruct staff on an alternative use, including the possible resale of the property.
 - a. Any resale of the property is subject to the Surplus Land Act. In addition, any shared costs on acquisition and design that have been expended on the project would become the sole financial responsibility of the City. Staff would also need to examine if the Proposition 68 Grant Funds could be reprogrammed to an alternative site.
3. Provide alternative direction.

FISCAL IMPACT:

In 2021, DRD agreed to share the 50 percent cost of the first \$2.0 million for the park's acquisition, design, and development. DRD also agreed to be responsible for ongoing maintenance.

The City will fund up to \$1.0 million through a variety of funding sources. First, the City has received a \$177,952 Prop. 68 Per Capita Grant and a \$3,328 California Urban Per Capita Grant, totaling \$181,280. The remaining \$818,720 is to be paid from the Park-In-Lieu Fund (Fund 314) that are generated developer fees (Quimby fees) that can only be utilized for park projects.

In addition, there remains the possibility that some of the park amenities may be designed by artists and paid out of the Art in Public Places Fund (Fund 319) at a not to exceed level of \$200,000, thus reducing the contribution from the Park-In-Lieu Fund. If the

project costs exceed the Park-In-Lieu Fund balance, the General Fund will establish an interfund loan until the Park-In-Lieu Fund can reimburse the General Fund.

To date, the City of Indian Wells and DRD have expended \$1,091,926 on the park project.

- Park Acquisition \$1,070,000 (\$535,000 per parcel)³
- Escrow Costs \$3,726
- Park Design \$18,200
- Final Design and
Construction Costs \$To Be Determined

California Environmental Quality Act (CEQA)

This action has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act ("CEQA"), state and local CEQA Guidelines, and the environmental regulations of the City. The City, as lead agency, has determined that the proposed project is categorically exempt from review under the California Environmental Quality Act ("CEQA"), in accordance with CEQA Guidelines section 15304 (minor public or private alterations in the condition of land), and, in the alternative, that it is categorically exempt from CEQA under CEQA Guidelines section 15303 (new construction of small structures), and, further, determines that none of the exceptions in CEQA Guidelines section 15300.2 apply here because the proposed action does not include a sensitive mapped area, a scenic highway, a hazardous waste site, or a historic resource, and the development of a passive park does not present any unusual circumstances (it is similarly situated to other passive-park-type spaces adjacent to City Hall and at the corner of Cook and Highway 111; and there are no unique resources on the property).

ATTACHMENTS:

1. Vicinity Map
2. Cooperative Agreement between DRD and the City
3. Park Design Concept #1-#3
4. Park Design Concept #4
5. Rendering of Park Concept #4
6. Park Design Concept #5

³ Appraisal of both lots was conducted on October 18, 2021. Appraised value was \$545,000 for each parcel (Total of \$1,090,000 for both lots). City paid \$20,000 under the appraised value.